

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JEREMY SCOTT CARTER,
Plaintiff,

v.

GENE M. JOHNSON, et al.,
Defendants.

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Civil Action No. 7:10-cv-00342

ORDER

By: Hon. Michael F. Urbanski
United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ORDERED

that plaintiff's motion for summary judgment (ECF no. 118) is **DENIED**; defendants' motion for summary judgment (ECF no. 114) is **DENIED in part** as to the Eighth Amendment claims against defendants Mitchem, Horn, Davidson, J. Honaker, Looney, and Belcher for the events before and during the attack on March 9, 2009; defendants' motion for summary judgment (ECF no. 114) is **GRANTED in part** as to all other claims; all defendants except Mitchem, Horn, Davidson, J. Honaker, Looney, and Belcher are **TERMINATED** as parties; and the Clerk **SHALL** set this matter for a jury trial.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to plaintiff and counsel of record for defendants.

Entered: March 11, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge